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6 JONATHAN MILES,

7 Plaintiff,

8 No. C 07-01092 JSW

9 v.

10 U.S. GOVERNMENT, et al.

11 Defendants.

12 **ORDER DENYING REQUEST TO**  
**REOPEN**

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15 On February 22, 2007, Plaintiff filed his complaint in this action. On May 5, 2007, the  
16 Honorable Martin J. Jenkins dismissed Plaintiff's complaint, with leave to amend, and denied  
17 Plaintiff's application to proceed *in forma pauperis*. Plaintiff was ordered to file an amended  
18 complaint within sixty days of the Order. Plaintiff did not file an amended complaint. Instead,  
19 on August 6, 2007, Plaintiff filed a notice of appeal. On September 14, 2007, the United States  
20 Court of Appeals for the Ninth Circuit dismissed Plaintiff's appeal for lack of jurisdiction, and  
21 the mandate issued on November 9, 2007.

22 In the interim, on October 2, 2007, Plaintiff sent a letter requesting that this case be sent  
23 "to Houston Texas Federal Clerks Office to be considered by the 5<sup>th</sup> Circuit Court of Appeals in  
24 New Orleans." (See Docket 11.) On December 13, 2007, Plaintiff sent a letter inquiring as to  
25 the status of his case, advised the Court of his new address, and stated "is anything required on  
26 my part?" (Docket No. 14.)

## United States District Court

For the Northern District of California

1           On February 15, 2008, this matter was reassigned to the undersigned, and on February  
2 22, 2008, the Court issued an Order stating that if Plaintiff wished to pursue his case, he was  
3 required to file an amended complaint by March 28, 2008.

4           On February 28, 2008, Plaintiff submitted a letter indicating that he wished to “drop his  
5 case in the San Francisco district.” (Docket No. 17.) On March 4, 2008, the Court, in  
6 accordance with Plaintiff’s request, dismissed this matter.

7           On or about August 18, 2008, Plaintiff submitted a letter requesting that this case be  
8 reopened.<sup>1</sup> Plaintiff does not explain why he seeks to revoke his request to voluntarily dismiss  
9 this case. Nor has Plaintiff ever complied with the Court’s original directive that to pursue this  
10 case, he would be required to file an amended complaint. Accordingly, Plaintiff’s request to  
11 reopen this matter is DENIED.

12           **IT IS SO ORDERED.**

13           Dated: September 3, 2008

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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28           <sup>1</sup> Although the letter references the instant case, it was apparently docketed in  
Case 06-80190-MISC. The Clerk is directed to docket the letter in this case.

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN MILES.

Case Number: CV07-01092 JSW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

U.S. GOVERNMENT et al.,

Defendant.

1

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jonathan W. Miles  
General Delivery  
Las Vegas, NV 98125-9999

Dated: September 3, 2008

*Jennifer Ottolini*  
Richard W. Wiekking, Clerk  
By: Jennifer Ottolini, Deputy Clerk